

power flux density would be limited by the edge of coverage area which is likely to be defined by an elevation angle around 15° or so.

TRW also requests the Commission to affirm that it is the responsibility of licensees in the Instructional Television Fixed Service and Multichannel Multipoint Distribution Service to take immediate remedial measures at their own expense to cease any out-of-band interference to LEO MSS receivers in the 2483.5-2500 MHz band.<sup>58</sup> Constellation supports this proposal.

B. Section 25.136 of the rules. LQP requests the Commission to clarify §25.136(b) based on its interpretation that the text of this provision, if literally interpreted, would require LQP to "authorize" transmissions from a mobile earth station associated with another CDMA system operating in the band.<sup>59</sup> Constellation had earlier expressed some concern over the wording of this provision and proposed the following revision:<sup>60</sup>

(b) User transceiver unit in this service are authorized to communicate with and through U.S. authorized space stations only. No person shall transmit to a space station unless the user transceiver ~~specific transmission~~ is first authorized by the space station licensee or by a service vendor authorized by that licensee, and the specific transmission is conducted in accordance with the operating protocol specified by the system operator.

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<sup>58</sup> See TRW Petition at 15.

<sup>59</sup> See LQP Petition at 22-23.

<sup>60</sup> See Constellation Comments, Appendix A at 2.

While Constellation did not read this provision in the same way as LQP, the Commission may want to reconsider the wording of this provision to avoid possible misinterpretations.

C. Section 25.203 of the rules. Constellation supports the TRW proposal to delete references to "space stations" in §25.203(k) since it imposes an unnecessary and unwarranted obligation on space station licensees not intended by the MSS Above 1 GHz Negotiating Committee.<sup>61</sup>

### Conclusion

For the reasons stated above, the Commission should grant the petitions of Constellation, LQP, Motorola and TRW in so far as they seek to have the Commission declare AMSC ineligible to hold a 1.6/2.4 GHz MSS system authorization and to deny the petition for reconsideration of AMSC.

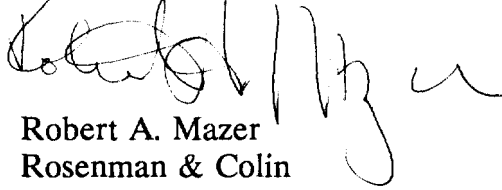
Constellation also believes that the Commission should reconsider or clarify other aspects of its Report and Order and Part 25 rules dealing with space station licensing, the L-band frequency assignment plan, and the other service rules for the 1.6/2.4 GHz MSS. Accordingly, Constellation supports the petitions of LQP,

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<sup>61</sup> See TRW Petition at 17-19. Constellation made a similar proposal for modification of §25.203(k), as well as for modification of §25.203(j), in its Comments at 65-66 and Appendix A at 4 and in its Petition at 9-12.

Motorola and TRW to the extent they are consistent with Constellation's positions on these issues as discussed above and opposes those petitions in all other respects.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Mazer", written over the typed name.

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December 20, 1994

## CERTIFICATE OF SERVICE

I, Robert A. Mazer, hereby certify that the foregoing "Comments and Opposition of Constellation Communications" was served by hand or first-class mail, postage prepaid, this 20th day of December, 1994, on the following persons:

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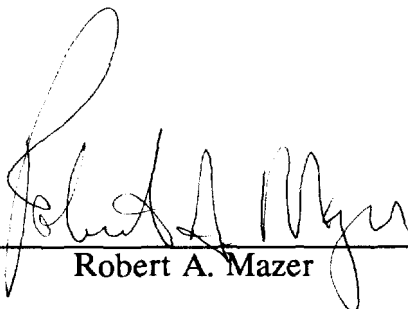
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